

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

2004 NOV -1 P 3:31

ANTHONY P. SCAPICCHIO, M.D.,
Plaintiff,

v.

MOUNT AUBURN PROFESSIONAL
SERVICES, a Massachusetts non-
profit corporation, MOUNT AUBURN
HOSPITAL, a hospital incorporated
in Massachusetts, for itself and as
administrator of the Mount Auburn
Hospital Retirement Plus 403(b)
Plan, and THOMAS FABIANO,
Defendants.

U.S. DISTRICT COURT
DISTRICT OF MASS.

CIVIL ACTION NO. 04-11573-RWZ

PROPOSED PRETRIAL SCHEDULE INCLUDING A PLAN FOR
DISCOVERY PURSUANT TO LOCAL RULE 16.1(D)

Pursuant to Local Rule 16.1(D) the parties herewith file the following joint statement:

1. Joint Discovery Plan

- A. November 26, 2000 - automatic required disclosure pursuant to Fed. R. Civ. Proc. Rule 26(a)(1) and Local Rule 26.2(A);
- B. December 10, 2004 - either party may file a request for production of any additional documents that either party believes were not produced as a result of the automatic required disclosure;
- C. January 10, 2005 - production of additional documents;
- D. January 21, 2005 - service of interrogatories;
- E. February 25, 2005 - exchange of any expert reports; and,
- F. March 25, 2005 - completion of depositions.

2. Proposed Schedule for Filing of Motions

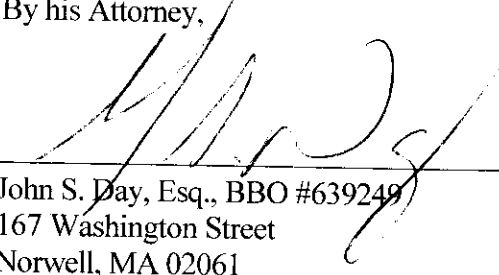
- A. December 10, 2004 - filing of motion to strike the plaintiff's jury claim in the event that the plaintiff does not voluntarily withdraw the jury claim;
- B. March 25, 2005 - assembly of administrative record;
- C. April 15, 2005 - Fed. R. Civ. Proc. Rule 12 motions; and,
- D. April 30, 2005 - Fed. R. Civ. Proc. Rule 56 motions.

3. Certifications Signed by Counsel in Accordance With Local Rule 16.1(D)(3)

- A. The certificates are attached to this Joint Statement.

ANTHONY P. SCAPICCHIO, M.D.

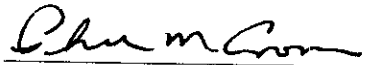
By his Attorney,



John S. Day, Esq., BBO #639240
167 Washington Street
Norwell, MA 02061
(781) 878-6541

MOUNT AUBURN PROFESSIONAL
SERVICES, MOUNT AUBURN HOSPITAL,
as the administrator of MOUNT AUBURN
RETIREMENTPLUS 403(b) PLAN and
THOMAS FABIANO

By their Attorneys,



Philip M. Cronin, BBO #106060
PEABODY & ARNOLD LLP 30
Rowes Wharf, 6th Floor
Boston, MA 02110
(617)951.2065

to Tony Scapicchio Page 3 of 5

2004-10-28 18:43:24 (GMT)

(781) 846-0780 From: John S. Day, Esquire

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF
MASSACHUSETTS

ANTHONY P. SCAPICCHIO, M.D.,)
Plaintiff,)

v.)

) CIVIL ACTION NO. 04-11573-RWZ
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MOUNT AUBURN PROFESSIONAL)
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profit corporation, MOUNT AUBURN)
HOSPITAL, a hospital incorporated)
in Massachusetts, for itself and as)
administrator of the Mount Auburn)
Hospital RetirementPlus 403(b))
Plan, and THOMAS FABIANO,)
Defendants.)

LOCAL RULE 16.1(D)(3) CERTIFICATE OF PLAINTIFF
AND COUNSEL FOR PLAINTIFF

The Plaintiff, Anthony P. Scapicchio, M.D., and his counsel, John S. Day,
Esquire, certify that they have conferred (1) with a view to establishing a budget for the
costs of conducting the full course and various alternative courses of this litigation and
(2) to consider the resolution of the litigation through the use of alternative dispute
resolution programs such as those outlined in Local Rule 16.4.

Anthony P. Scapicchio MD
ANTHONY P. SCAPICCHIO, M.D.

John S. Day
JOHN S. DAY, ESQ.

28 Oct 2004